Center for Immigration Studies

Backgrounder

August 2001

American Unionism and U.S. Immigration Policy

By Vernon M. Briggs, Jr.

Throughout its lengthy history, few issues have caused the American labor movement more agony than immigration. It is ironic this should be the case as most adult immigrants directly enter the labor force. So eventually do most of their family members. But precisely because immigration affects the scale, geographical distribution, and skill composition of the labor force, it affects national, regional, and local labor market conditions. Hence, organized labor can never ignore immigration trends. Immigration has in the past and continues to affect the developmental course of American trade unionism. Labor's responses, in turn, have significantly influenced the actual public policies that have shaped the size and character of immigrant entries.

If organized labor seeks restrictions on immigration levels as well as the active enforcement of prevailing laws, it risks alienating itself from immigrants and makes it difficult to organize them. On the other hand, if they welcome immigrants, endorse liberal admission policies, and favor lax enforcement against violators, the result is that the segments of the labor supply are inflated and the ensuing market pressures make it more difficult for unions to win economic gains for their membership. The reason most workers join unions in the United States is, after all, largely because they believe unions can improve and protect their economic well-being. It also means that organized labor's support for immigrant causes would be adverse to interests of those American workers who do not belong to unions and who would face increased competition for jobs as well as wage suppression pressures. Hence, immigration has always been a "no-win" situation for American unions.

At every juncture, and with no exception prior to the 1980s, the union movement either directly instigated or strongly supported every legislative initiative enacted by Congress to restrict immigration and to enforce its policy provisions.[1] Labor leaders intuitively sensed that fluctuations in union membership were inversely related to prevailing immigration tends. When immigration increased, union membership tended to flounder; when immigration declined, union membership flourished. History has shown that the leaders' perceptions were valid (see Figure 1, next page).

But in the late 1980s, the leadership of organized labor began to waffle on the issue. By the 1990s, the labor movement was hesitant to support comprehensive reform despite the fact that the nation was in the midst of the largest wave of immigration it had ever experienced and the percentage of the labor force belonging to unions was declining rapidly. In February 2000, the Executive Council of the American Federation of Labor –Congress of Industrial Organizations (AFL-CIO) announced that it was changing its historic position.[2] It would now support expanded immigration, lenient enforcement of immigration laws, and the legislative agenda of immigrants. In the months that followed, AFL-CIO officials declared that the organization was now "championing immigrant rights as a strategic move to make immigrants more enthusiastic about joining unions."[3] Thus, the one societal body that had faithfully and consistently supported reasonable and enforceable immigration policies to protect the nation's working people is poised to formally reverse its historic posture at its biannual convention in December 2001. Should this happen, the implications for the future of organized labor and for American workers are far-reaching. Hitherto, the labor movement has been the nation's most effective advocate for the economic advancement of all workers — union members or not. If this change occurs, working people — especially those on the lower rungs of the economic ladder — will have lost the support of the most effective champion they ever had.

The Pro-Worker Legacy: A Review of the Pre-1990s Era

Efforts of working people in the United States to band together to form organizations representing their collective economic interests date back to the earliest days of the Republic. But it was not until the 1850s that

Vernon M. Briggs, Jr., is Professor of Labor Economics at the N.Y. State School of Labor and Industrial Relations at Cornell University. He is the author of Immigration and American Unionism, *published by Cornell University Press in 2001.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

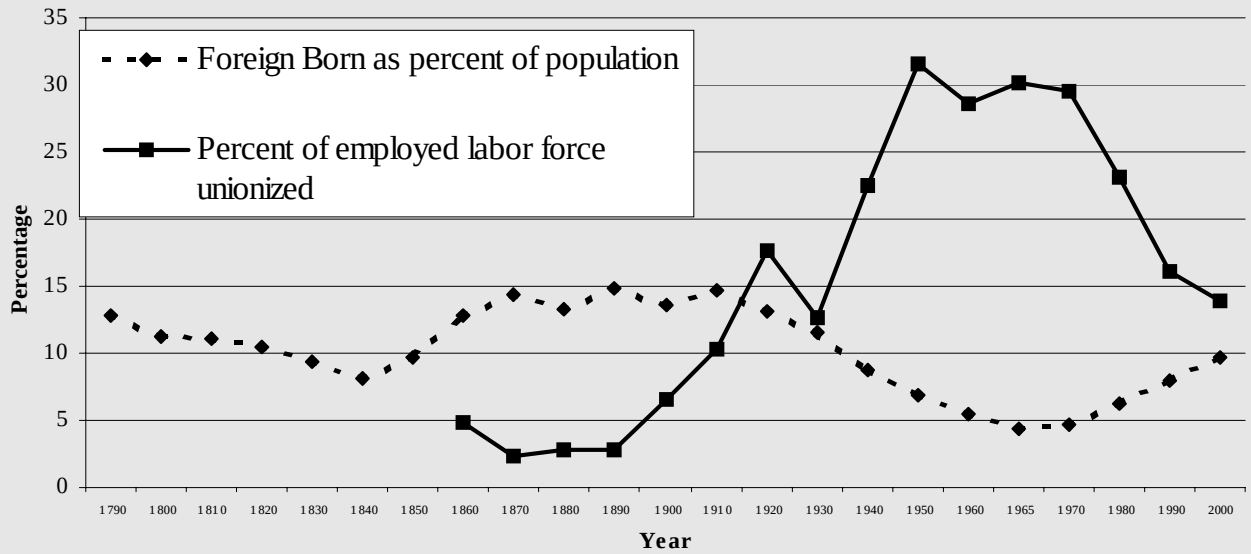
several national craft unions were able to establish organizations that were strong enough to survive both business cycle fluctuations and the fierce opposition of employers and anti-labor court rulings. Immigration had been an extremely controversial subject among the populace prior to this time, but government had yet to formulate any specific policies to regulate the phenomenon. Early unions, nevertheless, had to confront the issue. Immigrants were often used to break strikes and to forestall union organizing efforts. Collectively, as the number of immigrants soared in the 1840s and 1850s, it became increasingly difficult for local unions to secure wage increases and improvement in working conditions.

But with the coming of the Civil War in 1861, there was an enormous increase in the demand for the production of war materials while men of working age were being conscripted to join the military forces of the North. In response, the Act to Encourage Immigration was passed in 1864. It was the nation's first statutory law to influence the level of immigration. It is also known as the Contract Labor Law due to its provisions requiring those whose transportation costs were paid to repay the employers for whom the immigrants were obligated to work. The workers received no wages during this period of what was essentially a period of indentured servitude. To cover their food and housing costs, the contract workers usually had to extend their period of work obligation. Free labor, obviously, could not compete with workers hired under such obligatory terms. Contract workers were often used as strikebreakers when disputes between employers and unionized workers did occur.

Under these conditions, contract labor quickly aroused the ire of existing unions. Following the war, the National Labor Union (NLU) was founded in Baltimore in 1866. It was a national federation of local assemblies of craft workers as well as some of the national craft unions that existed at that time. The NLU viewed the Contract Labor Act as an artificial method to stimulate immigration by the government whose intention it was to create a labor surplus that depressed wages and caused unemployment. They made the repeal of the legislation an immediate legislative objective. They were successful in their efforts as the Act was repealed in 1868. But the repeal only ended government support for such efforts; it did not ban the practice, so contract labor continued to thrive as a private sector recruiting device used by many employers.

The NLU then turned its attention to the issue of large-scale immigration of unskilled Chinese workers on the West Coast, which began shortly before the Civil War. Many of these Chinese workers were also recruited under contract terms and were often paid far less by employers than were white workers. They, too, were used as strikebreakers. Indeed, when Chinese workers were introduced to the East Coast to replace white workers in a labor dispute in Massachusetts in 1869 and hired at less than one-third of the previous wage level, the NLU responded to the pleas of the white workers to end such practices nationwide.

Figure 1. Comparrison of the Percentage of the Labor Force Who Belong to Unions (Since 1860) with Percentage of Population That Is Foreign Born (Since 1790)



Source: See citations in end note 1.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The immediate focus of NLU's efforts became the repeal of the Burlingame Treaty of 1868. This treaty had been negotiated as part of an effort by the United States to open China to trade with American businesses. As an ancillary part of the treaty, it specifically stated that immigrants from China could enter the United States on the same terms as immigrants from Europe but that they could not become naturalized citizens. But the NLU collapsed when it sought to transform itself into a political party in order to advocate more effectively for worker causes during the presidential campaign of 1872.

The baton then was passed to the newly formed Knights of Labor. Founded in Philadelphia in 1869, it idealistically sought to become a single national union of virtually all workers, skilled or unskilled. The Knights' social agenda encouraged a broad array of political reforms, but they accomplished little with the exception of immigration restrictions, where they accomplished everything they sought and fought for.

Recognizing that immigration was depressing wages for most workers and that it provided employers with an increasing supply of would-be strikebreakers that hampered union organizing, the Knights launched a full-scale attack on prevailing immigration policy. In the late 1870s, they began agitation to repeal the Burlingame Treaty as a way to limit Chinese immigration. In 1879, Congress voted to repeal the treaty, but President Rutherford Hayes vetoed the legislation. Hayes did, however, appoint a commission to renegotiate the treaty and, as a consequence, the following year Congress enacted legislation allowing Chinese immigration to be "suspended." Two years later, acting largely at the behest of the Knights and a number of independent craft unions, the Chinese Exclusion Act of 1882 was passed. It "suspended " all Chinese immigration for 10 years (the suspension was renewed in 1892 for another 10 years and in 1902 it was made permanent until it was repealed in 1943 and China was given a token quota).

The Knights then turned their attention to the continuing issue of contract labor. As a result of their lobbying pressure, the Alien Contract Act of 1885 was adopted by Congress. It forbade all recruitment of foreign workers by American companies. But the legislation contained no enforcement provisions so the practice continued. The Knights then succeeded in having the legislation amended in 1887 to require inspection of new immigrants at ports of entry to ascertain the terms of arrival of new immigrants. If they were contract workers, they were to be returned forthwith to their country of origin. But there were still no penalties on the American recruiters so the Knights again sought legislative relief. Another amendment was added in 1888 that provided fines for offending corporations who employed contract workers, payments to informers who provided information about violators of the law, and the expulsion from the country of any contract worker found to be employed within one year after arrival. The Alien Contract Act and its amendments remained in effect until 1952 when it was repealed. Since then, foreign recruitment of workers to compete in the domestic labor market has once more become a mounting problem for both organized labor and American workers.

> The labor movement has been the nation's most effective advocate for the economic advancement of all workers — union members or not. If this change occurs, working people — especially those on the lower rungs of the economic ladder — will have lost the support of the most effective champion they ever had.

By the late 1880s the Knights had lost support among workers for its emphasis on long-term political reforms to uplift the miserable economic status of most working people. The mantle of leadership shifted to the American Federation of Labor (AFL) that had been formally established in 1886. as a federation of national unions. Most of its members were craft unions comprised of skilled workers, but it was open to membership by industrial unions (for unskilled workers) if they could successfully establish themselves. The AFL made the attainment of short run economic objectives — better wages, shorter hours, and improved working conditions — its organizational hallmark.

Samuel Gompers was chosen as president of the new organization in 1886 and, with the exception of one year, he held that office until he died 38 years later in 1924. Gompers was himself a Jewish immigrant (from England) as were many of the members and leaders of the unions affiliated with the AFL. From his earlier days of involvement in his own craft union — the cigarmakers — Gompers became intimately aware of Chinese immigrants' adverse effects on its members' wages and employment opportunities. Indeed, it was his own union that in 1872 introduced in San Francisco the usage of the union label to distinguish for consumers the cigars produced by workers employed under a union agreement from those made by non-union Chinese immigrant workers. Thus, despite his own immigrant roots, Gompers recognized that organized labor's first responsibility was to protect the economic well-being of workers and not immigrants per se when there was a conflict in their respective interests. Thus, when Gompers assumed the presidency of the AFL, "he fathered the anti-immigration policy of the AFL."[4]

In 1892, only six years after the founding of the AFL, the U.S. Supreme Court finally established in the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

clear-cut principle that the federal government has sole responsibility for the formulation and enforcement of the nation's immigration policy.[5] The stage was set for organized labor to press national political leaders to adopt an immigration policy that set limits and was accountable for its economic consequences. It was Gompers who boasted that "the labor movement was among the first organizations to urge such policies."[6] For, as he made manifestly clear, "we immediately realize that immigration is, in its fundamental aspects, a labor problem."[7]

Although the subject of immigration, and its adverse effects on working people, was a frequent subject of criticism at the early annual conventions of the AFL, it was not until 1896 that the leadership formally raised the issue and offered its first resolution to reduce the level of immigration. Gompers, speaking in its support, proclaimed that "immigration is working a great injury to the people of our country."[8] At its 1897 convention, the AFL adopted a formal resolution for the imposition of a literacy test for would-be immigrants in their native language. As the vast preponderance of immigrants at the time were illiterate, its enactment also would have dramatically reduced the level of immigration. In 1905, the AFL renewed its support for literacy tests and did so at every successive convention until such legislation was finally adopted in 1917.[9]

Meanwhile, when the renewal of the Chinese Exclusion Act in 1902 came before Congress, the issue of restriction of Japanese immigration also surfaced. Prior to 1900, there were virtually no Japanese immigrants on the mainland of the United States, but there had been considerable Japanese immigration to the Hawaiian Islands. Soon after Hawaii was unilaterally annexed by the United States in 1898, many Japanese immigrants began to migrate from Hawaii to the West Coast. In response, a grassroots movement of worker groups in San Francisco in 1900 began to agitate to have the Japanese included in the pending renewal of Chinese exclusion in 1902. It did not happen. But at its 1904 convention held in San Francisco, the AFL demanded that the Chinese Exclusion Act be amended by new legislation to include immigrants from Japan.[10] Separate legislation was introduced in 1905 in Congress to do this, but it died due to opposition of President Theodore Roosevelt.

But in 1906, the issue exploded on the national scene when the San Francisco School Board ordered all Japanese children to attend the Oriental School located in Chinatown. Local labor unions had strongly supported this move and Samuel Gompers gave his support to the proposal after the decision had been made.[11] The issue quickly involved President Roosevelt. He was attempting to formulate a policy reflecting U.S. commercial interests in the Far East. Roosevelt labeled the action of the School Board as "wicked absurdity" which comforted the Japanese government but did not assuage the attitudes in California. Softer tactics were required and the President invited the School Board to Washington for discussions. In this meeting, he promised to end Japanese immigration in return for the rescinding of the ethnic classification policy by the School Board. It agreed to do so. Shortly after, Secretary of State Elihu Root proposed that the government of Japan impose restrictions that forbade its citizens from emmigrating to the United States. In return, the United States agreed it would not enact any formal legislation to exclude Japanese citizens from imigrating to the United States. The relationship is referred to as the Gentleman's Agreement. It was finalized through an exchange of diplomatic correspondences in February 1908 and became effective at once.

During the first decade of the 20th Century, immigration levels reached record heights. Organized labor and other groups became increasingly concerned. In response, President Theodore Roosevelt gave his support to a congressional proposal to create a commission to study the impact of mass immigration. Gompers and the AFL strongly supported the idea. Subsequently, the Immigration Commission (chaired by Senator William Dillingham (R-Vt.), was established in 1907 to conduct a comprehensive investigation.

When the Immigration Commission issued its report in 1911, it confirmed the AFL's beliefs that mass immigration was depressing wages, causing unemployment, spreading poverty, and impairing the organizational efforts of unions.[12] Unfortunately, the report also sought to link the economic effects with dubious sociological and anthropological attributes of the more recent immigrants that questioned their ability to assimilate. The Commission's mixture of the legitimate economic arguments with questionable ethnocentric biases has plagued all subsequent efforts to dispassionately reform the nation's immigration system.

Nonetheless, the Dillingham Commission recommended that the nation place a ceiling on annual immigration and that it be low enough to significantly reduce the annual rate of entry. It also proposed that the immigration system be much more selective as to whom it admits and whom it does not.

In the wake of the Commission's final report, efforts to enact its policy recommendations commenced. As mentioned, the literacy test requirement was adopted in 1917 and an Asiatic Barred Zone was created that, in conjunction with restrictions already in place, essentially banned almost all immigration from Asian countries. When mass immigration from Europe resumed after being interrupted by World War I, the Immigration Act of 1921 (a temporary step) followed by the Immigration Act of 1924 (a permanent step) sharply curtailed admissions. These actions placed a low ceiling on the number of immigrants (about 154,000 visas per year plus immediate family

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

members who were spouses and minor children) who could enter from the Eastern Hemisphere (countries in the Western Hemisphere were not covered). They also set country quotas that favored countries in Northern and Western Europe and disfavored those from Eastern and Southern Europe.[13]

The AFL and most national labor leaders strongly supported all of these legislative actions. For instance, A. Philip Randolph, who would soon become president of a national union affiliated with the AFL and who in later years would become a prominent leader of the nation's civil rights movement, heralded all of these restrictive actions. In 1924, he stated that the nation was suffering from "immigration indigestion" and that even the newly enacted low quotas were still too high. He suggested that "zero" immigration was the appropriate level.[14]

With the passage of the restrictive legislation in 1924, which was followed by the depression decade of the 1930s and by World War II during the first half of the 1940s, immigration levels fell drastically. For the first time in over a century, immigration ceased to be an issue of significant threat to the labor movement. As a consequence, organized labor could focus its attention on employer and governmental policies that opposed the spread of unionism. It was not long before union membership soared (see Figure 1, page 2).

Following World War II, the AFL supported the efforts of President Harry Truman to find ways to admit some European refugees who had been displaced during the war years. But the AFL made it clear that it viewed their limited admissions as a very special circumstance. At its 1946 convention, the AFL adopted a resolution explaining that approval of these ad hoc measures "in no way modifies the existing immigration laws, which have always had the support of the American Federation of Labor."[15]

It was also in the postwar years that the AFL strongly criticized another aspect of the nation's immigration policy: the Mexican Labor Program (popularly called the "bracero" program). It had been initiated in 1942 at the behest of the agriculture industry in the Southwest as a temporary wartime emergency measure. It permitted Mexican farm workers to work for American growers during planting and harvesting seasons and then return to Mexico. Ostensibly, the program provided employment guarantees to these workers pertaining to their wages and employment conditions. When the war ended, the program was continued for 22 years, until 1964. By then, employers had become addicted to the cheap and dependable supply of Mexican labor and resisted efforts to terminate the program. Organized labor, supported by extensive research, contended that employers regularly undermined the worker protections and wage requirements so that the program exploited Mexican workers while making it impossible to unionize American farmworkers. Hence, the AFL fought for its termination.

When the AFL merged with its rival federation, the CIO, in 1955, a resolution was passed at the inaugural convention that year in which the AFL-CIO joined with immigration reformers who were seeking to end the overtly discriminatory admission systems that had been in place since 1924. It was widely recognized that the terms of that law were hampering efforts to achieve even its low admission ceiling. Nations with high quotas did not fill them while nations with low quotas had massive backlogs of would-be immigrants who could not enter. The resolution called for the creation of a new selection system without suggesting that the low level of immigration itself be raised.

Such legislation was formally proposed by President John F. Kennedy in the summer of 1963, but Congress took up the issue until 1965. The AFL-CIO renewed its support for the reform legislation. The Immigration Act of 1965 was subsequently passed and signed by President Lyndon Johnson. As with all other supporters of the legislation, the AFL-CIO believed that the goal was to end the discriminatory national origins admission system, not to raise the level of immigration by more than a very modest amount (i.e., to 290,000 plus immediate family members, which was expanded to include adult parents of immigrants). The foreign-born population had been declining as a percentage of the nation's population for over 40 years (see Table 1, opposite). By 1965, it was at its lowest level (4.4 percent) in the history of the nation. No one anticipated that the door of mass immigration was about to swing open once again, but this is exactly what happened.

The Immigration Act of 1965 did end the national origins admissions system. A new system was created that emphasized family reunification (74 percent of the available visas each year), downgraded the number of employment-based visas (20 percent of the available visas), and created new refugee admission categories (6 percent of the available visas). The legislation did not, however, provide provisions to assure that its terms were enforced against those who might seek to enter illegally. Furthermore, the new law had unanticipated consequences: Legal immigration levels more than doubled (due to their being more immediate family members than were anticipated), the refugee provisions were overwhelmed by political decisions to admit far more persons than the law provided (especially from Cuba and Indochina), and there was a sharp rise in illegal immigration due to the lack of effective enforcement provisions.

For these reasons, the issue of immigration reform was back on the national policy agenda by the mid-1970s. Responding to legislative proposals made by President Jimmy Carter, Congress authorized the creation of a commission to study all aspects of the nation's immigration system. Known as the Select Commission on Immigration and Refugee Policy (SCIRP), it was chaired by the Rev.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Theodore Hesburgh, president of Notre Dame University. When it issued its final report in March 1981, Commission declared that the nation's immigration system was "out of control" and made numerous recommendations for reform.[16]

Because of the worsening of the refugee issue at the time, the Commission's proposals for refugee reforms were enacted before the actual issuance of its final report. They were embodied in the Refugee Act of 1980, which separated refugee admissions from the remainder of the nation's immigration system. The Commission's remaining proposals pertained to changes in the legal immigration system and additional enforcement muscle to combat illegal immigration. These reforms were incorporated into a bipartisan bill proposed by Senator Alan Simpson (R-Wyo.) and Representative Romano Mazzoli (D-Ky.) in 1982. Their efforts to pass comprehensive immigration reform, however, were unsuccessful in both 1982 and 1984. Thus, a new tack was taken: piecemeal reform. The issue of illegal immigration was selected for first attention. Legislation making it illegal for employers in the United States to hire illegal immigrants while providing four different amnesties for most of those persons already in the country illegally was adopted in 1986 with the passage of the Immigration Reform and Control Act (IRCA).

The AFL-CIO strongly supported the 1986 legislation.[17] At its 1985 convention, policy resolutions were passed that supported the adoption of sanctions against employers who hire illegal immigrants, favored the creation of "an eligibility verification system that is secure and non-forgeable," created an amnesty program for illegals already in the United States, did not provide for "any new 'guestworker' or 'bracero' program," and called for the careful regulation of programs to admit foreign temporary workers only for "those situations where U.S. workers cannot reasonably be found."[18] After IRCA was passed, the AFL-CIO adopted a resolution in 1987 that called the legislation "the most important and far reaching immigration legislation in 30 years" and, it noted that in particular "the AFL-CIO applauds the inclusion in that law of employer sanctions and of a far-reaching legalization [i.e., amnesty] program."[19]

The Pro-Immigrant Era: Post-1990

When Congress next turned its attention to reform of legal immigration (in the late 1980s), the AFL-CIO did not take a prominent role in the political posturing preceding the ultimate passage of the Immigration Act of 1990. While it did not clearly articulate what it favored, it did specify what it was against.[20] At its 1989 Convention, a resolution was adopted that stated that it "opposes any reduction in the number of family-based visas or any erosion in the definition of the family." Furthermore, it opposed increasing the number of employment-based immigrants because they represented "a brain drain" of other nations and the AFL-CIO preferred to expand domestic policies "to increase our investment in education and job training in this country." The only specific provision the AFL-CIO sought to influence was a section of non-immigrant labor policy governing the temporary admission of foreign performing talent and their accompanying technical workers (e.g., foreign film crews).[21]

The Immigration Act of 1990 passed and significantly raised legal immigration levels to 700,000 visas a year beginning in 1991 through 1994 and to 675,000 visas per year thereafter. It did not reduce the number of family-based visas (in fact, it increased them), nor did it change the definition of what constitutes a family. The number of employment-based visas was significantly increased from 54,000 to 140,000 per year. It added a new "diversity" admission category (originally with 40,000 visas per year but increasing to 55,000 visas per year beginning in 1995); and it made it easier for employers to get access to a variety of foreign workers on a temporary basis. Labor did obtain the tidbit it sought. A cap of 25,000 visas per year was placed on the annual number of newly created "P visas" available for foreign workers in the entertainment industry.

At its 1993 convention, the AFL-CIO reversed course entirely. The convention adopted a resolution that praised the role that immigrants have played "in building the nation and its democratic ideas."[22] The resolution went even further by demonizing unidentified advocates of immigration reform for launching "a new hate campaign cynically designed to exploit public anxiety by making immigrants and refugees the scapegoats for economic and social problems."[23] It concluded that "immigrants are not the cause of our nation's problems" and stated that "the AFL-CIO reiterates its long standing commitment to…provide fair opportunities for legal immigration and…due process of law for all people who enter, or attempt to enter, the United States illegally."[24] The resolution also encouraged affiliated unions "to develop programs to address the special needs of immigrant members and potential members" and called for member unions to work with "immigrant advocacy groups and service organizations" to protect the interests of new immigrants.[25] Clearly, an entirely new immigration attitude was emerging within the leadership of the AFL-CIO.

Meanwhile, the Immigration Act of 1990 also authorized the creation of another commission to study the impact of the new legislation and the effectiveness of existing immigration laws. The Commission on Immigration Reform (CIR) was chaired by Barbara Jordan (a former member of Congress, but a professor of public policy at the University of Texas at the time) for most of its six-year life. CIR issued a series of interim reports and culminated its work with a final report in 1997.[26] CIR concluded that "our current immigration system must undergo major reform" and requires "a significant

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

redefinition of priorities."[27] It recommended a 35 percent reduction of legal admissions (back to the pre-1990 levels), the elimination of the extended family preferences for admission, the elimination of the employment-based provision that permits unskilled workers to be admitted, and a return to the policy of including refugees within the total number of immigrants that are to be admitted each year.

Against that backdrop, the AFL-CIO entered the fray by opposing all of the proposed changes. In 1995, it repeated its charge that immigration reformers were making immigrants "scapegoats" and that proposals for comprehensive immigration reforms were being used "to unfairly exploit public concern over illegal immigrants."[28] Despite extensive research findings to the contrary, the policy resolution asserted that "the notion that immigrants are to blame for the deteriorating living standards of America's low-wage workers must be clearly rejected."[29] Rather than immigration reform, it proposed increasing the minimum wage, adopting universal health care, and enacting labor law reform as the remedies for the widening income disparity in the nation.

Aware of the principal findings of CIR by this time, Congress took up the issue of immigration reform in the spring of 1996, even though CIR's final report had yet to be issued. During its debates, the AFL-CIO allied itself with the National Association of Manufacturers, Americans for Tax Reform, the National Christian Coalition, and civil libertarians to oppose most of the proposed changes. Together, they succeeded in having Congress separate all the legal-immigration reform measures from the pending bill and then kill them, stripping from the remaining bill the key proposals for verification of the authenticity of Social Security numbers as a way to reduce illegal immigration, and dropping efforts to limit refugee admissions. By joining with a coalition of some of the most anti-union organizations in the country, labor leaders succeeded in blocking immigration reform designed primarily to protect the economic well-being of low skilled workers in the nation. The rationale offered by labor officials was that their new organizing targets had increased some unions' contact with large urban concentrations of immigrants. Hence, the labor movement needed to undertake a more accommodative stance.

The AFL-CIO believes that all workers who are in the United States ought to receive the full protection of existing labor laws regardless of their legal status. This is seen as a social justice issue at the work site, which is a traditional union concern. But it is also the case that there are self-defense motivations involved. Some employers use the threat (or the actual practice) of turning illegal immigrants in to the Immigration and Naturalization Service (INS) if they seek to vote (or do vote) in union certification elections.[30] U.S. courts have upheld the right of "all employees — including those who may be subject to termination in the future…to vote on whether they want to be represented by a union."[31] Furthermore, the INS announced in the spring of 1999 that it was essentially abandoning enforcement of employer sanctions at the work site in favor of focusing on human smuggling activities, border management, and criminal deportations. This means that illegal immigrants have little reason to fear INS raids unless employers report them.[32] Thus, if illegal immigrants are at the work site, unions have to organize the workers that employers hire. If the INS is not going to police work sites, unions must seek to enlist the illegal immigrants as members or abandon their organizing efforts with the enterprise in question. Should unions give up such organizing, employers will have an even greater incentive to hire more illegal immigrants than they already do. Thus, organizing and protecting illegal immigrants is not a matter of principle, it is a matter of necessity.

At its October 1999 biennial convention held in Los Angeles, the pro-immigrant element within the AFL-CIO made its move. Gaining support from unions representing janitors, garment workers, restaurant workers, and hotel housekeepers, they argued that unions needed to overtly embrace immigrants if the movement was to survive.[33] They buttressed their case by citing incidents whereby employers used immigration law to intimidate or to dismiss immigrant workers who were involved in trying to form unions. In particular, these advocates sought to end the employer sanctions provision created by IRCA in 1986 (which organized labor had strongly supported) and to enact yet another general amnesty for those

Table 1. Foreign-Born Percentage of Total U.S. Population

Year	Number (Millions)	Percentage of Total Population
1790	0.5	12.8
1800	0.6	11.3
1810	0.8	11.1
1820	1.0	10.4
1830	1.2	9.3
1840	1.4	8.2
1850	2.2	9.7
1860	4.1	13.2
1870	5.6	14.4
1880	6.7	13.3
1890	9.2	14.8
1900	10.3	13.6
1910	13.5	14.7
1920	13.9	13.2
1930	14.2	11.6
1940	11.5	8.8
1950	10.3	6.9
1960	9.7	5.4
1965	8.5	4.4
1970	9.6	4.7
1980	14.1	6.2
1990	19.7	7.9
2000	30.5	11.2

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

illegal immigrants now in the country. Support for this effort was far from unanimous and a floor fight seemed probable.

To avoid a public confrontation, AFL-CIO officials agreed that the motion would be briefly debated and then referred to a committee for study. It was done. When the AFL-CIO Executive Committee met in New Orleans in February 2000, it consummated its break from the past. It was announced that the AFL-CIO would seek to have the employer sanctions provisions of IRCA repealed and that it favored a new amnesty to cover most of the six million illegal immigrants believed to be in the United States.[34] After the meeting, the president of the Hotel and Restaurant Employees Union, John Wilhelm, said "the labor movement is on the side of immigration in this country."[35] Business lobbyists hailed the new policy stance.[36] The New York Times, on the other hand, editorialized that "the AFL-CIO's proposal should be rejected" as it would "undermine the integrity of the country's immigration laws and would depress the wages of the lowest-paid native born workers."[37]

Research Supports Labor's Pre-1990s Restrictive Posture

Research on mass immigration's impact on the economic well-being of workers has consistently found that organized labor's support for restrictive measures was amply justified. Economists Timothy Hatton and Jeffrey Williamson found that in the post Civil-War era, when the fledgling labor movement initially began to press for immigration reforms, urban real wages would have been 14 percent higher in 1890 had it not been for the high immigration levels of the preceding 20 years.[38] Their findings supported the earlier conclusions of Stanley Lebergott that real wages in the 25 years following the Civil War tended to move inversely with the ebbs and flows of immigration levels over this period.[39]

Likewise, studies of the massive immigration that occurred between 1890 and 1914 were even more supportive of the AFL's strenuous efforts to reduce immigration levels during this era. Hatton and Williamson found that, in the absence of the large-scale immigration that occurred after 1890, the urban real wage would have been 34 percent higher in 1910. Parenthetically, they observed that "with an impact that big, no wonder the Immigration Commission produced a massive report in 1911 that supported quotas!"[40] Likewise, economists Harry Millis and Royal Montgomery wrote of this era that organized labor was correct in its assessment of adverse economic impact of immigration on American workers "as labor markets were flooded, the labor supply was made more redundant, and wages were undermined."[41]

Following the passages of the restrictive Immigration Act of 1921 and the Immigration Act of 1924, which enacted the first ceilings on immigration in U.S. history, the economic gains to workers were found to be immediate. Indeed, labor historian Joseph Rayback called the Immigration Acts of 1921 and 1924 "the most significant pieces of 'labor' legislation enacted during" the post-World War I era.[42] Millis and Montgomery likewise observed "from the international viewpoint the morality of the postwar immigration policy of the United States may be questioned, but of its economic effect in raising real earnings there can be little question."[43] Lebergott, who attributed the tripling of real wages for urban workers that occurred in the 1920s to the substantial immigration reductions that occurred in this period, observed that "political changes in the supply of labor can be more effective in determining wages than even explicit attempts to fix wages."[44] What more powerful statements can be made about the significance of the adoption of reasonable immigration polices to the enhancement of worker welfare in the United States?

Research Does Not Support Labor's Emerging Policy Shift

In 1997, a special panel created by the National Research Council (NRC) issued a report on the economic effects of the contemporary immigration experience of the United States.[45] The research had been contracted by CIR to provide the basis for the conduct of its six-year investigation of immigration's impact on the nation's people. The NRC report catalogued the fact that the educational attainment levels of post–1965 immigrants have steadily declined. Consequently, foreign-born workers, on average, earn less than native-born workers and the earnings gap has widened over the years. Those from Latin America (including Mexico) presently account for over half of the entire foreign-born population of the nation, and they earn the lowest wages. The NRC found no evidence of discriminatory wages being paid to immigrants; rather, it found that immigrant workers are paid less than native-born workers because, in fact, they are less skilled and less educated. The relative declines in both skills and wages of the foreign-born population was attributed to the fact that most immigrants are coming from the poorer nations of the world, where the average wages, educational attainment, and skill levels are far below those in the United States. As a direct consequence, post-1965 immigrants are disproportionately increasing the segment of the nation's labor supply that has the lowest human capital endowments. In the process, they are suppressing the wages of all workers in the lowest skill sector of the labor market. More specifically, the study documented the fact that almost half

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the decline in real wages for native-born high school dropouts (i.e., unskilled workers) from 1980-1994 could be attributed to the adverse competitive impact of unskilled foreign workers. It was for this very reason that Barbara Jordan summarized CIR's proposed recommendations on legal immigration reform by stating:

> *What the Commission is concerned about are the unskilled workers in our society. In an age in which unskilled workers have far too few opportunities opened to them, and in which welfare reform will require thousands more to find jobs, the Commission sees no justification to the continued entry of unskilled foreign workers.*[46]

It was in the same macro context that the Council of Economic Advisers (CEA) to the President identified post — 1965 mass immigration as being one of the contributing factors to the worsening income disparity that the nation experienced has since 1968. In 1994, the CEA explained that "immigration has increased the relative supply of less-educated labor and appears to have contributed to the increasing inequality of income."[47]

In addition, there have been a host of studies at the micro level that have documented the adverse impact immigration has had one the ability of unions to organize workers, retain representation rights, and achieve economic gains for those who are organized.[48] A survey of some of these experiences, done jointly in a report by the U.S. Department of Justice and the U.S. Department of Labor in 1999, concluded that "unions have been weakened directly by the use of recent immigrants."[49]

Concluding Observations

With only two exceptions, membership in American unions has, over time, moved inversely with trends in the size of immigration inflows (see Figure 1). One exception was from 1897 to 1905, when both union membership and immigration increased. But it was a period when the nation was recovering from a major depression and the economy was rapidly industrializing. The other was from 1922 to 1929 when, conversely, both union membership and immigration declined. But this was an era of all-out assault on unionism by business, government, and the courts.[50] Other than these two periods, when very special circumstances prevailed, the inverse relationship has generally prevailed. It has been manifestly the case since 1932.

Since 1965, when policymakers inadvertently renewed mass immigration, the foreign-born population of the United States has increased by 231 percent (from 8.5 million immigrants to 28.4 million immigrants), and the civilian labor force has risen by 86 percent (from 74.4 million workers, to 139 million workers), but union membership has fallen by 10 percent (from 18.2 million members, to 16.3 million members) over this interval. Since 1968 (the year the Immigration Act of 1965 took full effect), the distribution of income within the nation has steadily become more unequal. The decline in union membership and the impact of mass immigration both have been identified by the CEA as contributing explanations for the worsening income inequality in the nation.[51]

> "Political changes in the supply of labor can be more effective in determining wages than even explicit attempts to fix wages."

In this environment, mass immigration has once more done what it did in the past: it has lessened the effectiveness of unions and, accordingly, diminished their attractiveness to workers. To be sure, there are other factors involved in the decline of union membership.[52] The nation's laws, for instance, that supposedly protect the practice of collective bargaining are woefully inadequate when confronted with willful employer opposition. They, too, need to be reformed. Likewise, globalization and technological change have radically altered the nation's industrial and occupational structures to the disadvantage of organized labor's historic membership strengths. But the drastic weakening of the economic status of many working people in this new era argues for increased union representation now more than ever. Mass immigration — especially of unskilled and poorly educated persons — has significantly contributed to all of the income disparity pressures besetting the work force (be they native- born or foreign-born).

The nation's immigration laws need to be strengthened, not weakened or repealed. Employer sanctions set the moral tone for immigration policy at the workplace. The identification loopholes need to be plugged and worksite enforcement given priority, not neglect.There should not be more mass amnesties for persons who have brazenly violated the laws that, since 1986, clearly state that illegal immigrants should not be in the workplace in the first place. Such amnesties only encourage others to enter illegally and hope for another amnesty. Moreover, the mass amnesty of persons who are overwhelmingly unskilled and poorly educated only adds to the competition for low wage jobs with the citizens and permanent resident aliens.

Rather than pursue its past role as a careful monitor of the impact of the nation's immigration policies on the economic well-being of working people, the AFL-CIO is poised to become an advocate for the pro-immigrant political agenda. But this strategy comes with a heavy cost. First, it means that success in the organization of immigrants will not translate into any real ability to increase

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

significantly the wages or benefits of many such organized workers. As long as the labor market continues to be flooded with low-skilled immigrant job seekers, unions will not be able to defy the market forces that will suppress upward wage pressures. Secondly, the focus on the advancement of the interests of low-skilled immigrants can only cause the alienation of low-skilled native-born workers who must compete for these same jobs because they lack the human capital to qualify for better ones. How long can it be until these other workers recognize that their ambitions for higher wages and better living standards cannot be achieved as long as mass immigration is allowed to flood low wage labor markets?

The fundamental issue for labor has never been a question of whether unions should organize immigrants. Of course they must, as they have always done. Rather, it is should labor seek to organize workers specifically because they are immigrants, and in the process become a proactive advocate for immigrant causes? Or should unions do as they have in the past: seek to organize all workers purely on the grounds of the pursuit of their economic well-being?

If labor seeks to organize immigrants on the same basis it does native-born workers (i.e., making no distinction between the nativity of workers), there is no reason to embrace the broad range of immigration policy issues. Indeed, the hard lesson of labor history is that the more generous the immigration policy, the worse it is for all workers in their efforts to raise wages, to improve working conditions, and to secure employment opportunities. The wisdom of Melvin Reder, a pioneer in the analysis of the labor market impact of immigration, should always be kept in mind:

> *Our immigration policy inevitably reflects a kind of national selfishness of which the major beneficiaries are the least fortunate among us. We could not completely abandon the policy, even if we so desired.*[53]

What is bad economics for working people cannot be good politics for unions.

The distinguishing feature of the American labor movement has always been its pragmatic focus on the achievement of economic gains for its members rather than the abstract pursuit of political objectives. The recent actions taken by the AFL-CIO Executive Council reverse this course. In seeking to join with the "rainbow" political alliance, it offers policies that are patently harmful to the well-being of the nation's workers. What is bad economics for working people cannot be good politics for unions.

End Notes

[1] For elaboration of the entire issue, see Vernon M. Briggs, Jr., *Immigration and American Unionism* (Ithaca, N.Y.: Cornell University Press, 2001).
[2] "Immigration, " AFL-CIO Executive Council Actions (February 16, 2000), pp. 1-4.
[3] Steven Greenhouse, "Singing Labor's Song to Immigrants, Legal or Not," *The New York Times* (February 17, 2001), p. A-10 [The quotation is attributed to Linda Chavez-Thompson, Executive Vice President of the AFL-CIO.]
[4] Charles A. Madison, *American Labor Leaders* (New York: Harper & Brothers Publishers, 1950), p. 74
[5] Ekiu v. U.S. (1892): 142 US 651
[6] Samuel Gompers, *Seventy Years of Life and Labor* (New York: E.P. Dutton & Company, 1925), Volume 2, p. 154
[7] Ibid., p. 157.
[8] Philip Taft, *Organized Labor in American History* (New York: Harper and Row Publisher, 1964), pp 247-248.
[9] A.T. Lane, "American Trade Unions, Mass Immigration, and the Literacy Test", 1890-1917." *Labor History* (Winter, 1984), pp. 5-25.
[10] Thomas A. Bailey, *Theodore Roosevelt and the Japanese-American Crisis* (Palo Alto: Stanford Univ. Press, 1934). p. 4.
[11] Ibid. p. 15.
[12] U.S. Immigration Commission, *Abstracts of the Reports of the U.S. Immigration Commission* (Washington: U.S. Government Printing Office, 1911), Volume 1.
[13] See Vernon M. Briggs Jr., *Mass Immigration and the National Interest* (Armonk, N.Y.: M.E. Sharpe Inc., 1996), 2nd edition for elaboration of these changes
[14] Daryl Scott, "Immigrant Indigestion: A Philip Randolph, Radical and Restrictionist," *Backgrounder* (Washington: Center for Immigration Studies, 1999), p. 3.
[15] Report of the Proceedings of the Sixty-Fifth Convention of the American Federation of Labor (Washington: American Federation of Labor, 1946), pp. 520-521.
[16] Select Commission on Immigration and Refugee Policy, *U.S. Policy and the National Interest* (Washington: U.S. Government Printing Office, 1981).
[17] Proceedings of the Sixteenth Convention of the AFL-CIO, Vol. 2 (Washington: AFL-CIO, 1985), pp. 173-175.
[18] "Immigration Reform," AFL-CIO Policy Resolution Adopted October 1985 by the Sixteenth Constitutional Convention (Washington: AFL-CIO, 1986), pp. 45-46.
[19] "Immigration Reform," AFL-CIO Policy Resolutions Adopted October 1987 (Washington: AFL-CIO, 1988), pp. 47-48.
[20] "Immigration Reform," AFL-CIO Policy Resolutions Adopted November 1989 (Washington: AFL-CIO, 1990), p. 46.
[21] "Immigration Reform," …Resolutions Adopted 1987, op. cit., p. 49.
[22] "Immigrants and the Labor Movement," Policy Resolutions

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Adopted October 1993 by the AFL-CIO Convention (Washington: AFL-CIO, 1994), p. 13.
[23] Ibid, p. 14.
[24] Ibid.
[25] Ibid.
[26] U.S. Commission on Immigration Reform, *Becoming an American: Immigration and Immigrant Policy* (Washington: U.S. Commission on Immigration Reform, 1997).
[27] U.S. Commission on Immigration Reform, *Legal Immigration: Setting Priorities* (Washington: U.S. Commission on Immigration Reform, 1996), see letter of transmittal, p. i.
[28] "Immigration Reform," Policy Resolution Adopted October 1995 by the AFL-CIO Convention (Washington: AFL-CIO, 1996), p. 68.
[29] Ibid.
[30] E.g., see Kimberly Hayes Taylor, "Hotel Housekeepers Released from INS Custody," *Minneapolis Star-Tribune* (October 20, 1999), p.1.
[31] National Labor Relations Board v. Kolkka, 9th Cit., No. 97-71132 (March 17, 1999).
[32] "Meissner Announces New INS Strategy to Combat Smuggling of Illegal Workers," *Daily Labor Report* (March 31, 1999), No. 61, p. A-9; "Ex-Panel Member Blasts INS Decision to de-Emphasize Worksite Enforcement" *Daily Labor Report*, No. 127, p. A-3.
[33] Nancy Cleeland, "Union Questioning Sanctions Against Employers Over Hiring," *Los Angeles Times* (October 12, 1999), p. 1.
[34] Franks Swoboda, "Unions Reverse on Illegal Aliens," *The Washington Post* (February 17, 2000), p. A-1.
[35] Ibid.
[36] Ibid.
[37] "Hasty Call for Amnesty," *The New York Times* (February 22, 2000), p. A-22.
[38] Timothy H. Hatton and Jeffrey G. Williamson, "The Impact of Immigration on American Labor Markets Prior to the Quotas," Working Paper No. 5185 (Cambridge, Mass.: National Bureau of Economic Research, Inc., 1995), p. 30.
[39] Stanley Lebergott, *Manpower in Economic Growth* (New York: McGraw-Hill Book Company, 1964), p. 163.
[40] Timothy H. Hatton and Jeffrey G. Williamson, op. cit., p. 30. [Emphasis is in the original]; See also Stanley Lebergott, op. cit., p. 162.
[41] Harry A. Millis and Royal E. Montgomery, *Labor's Progress and Some Basic Labor Problems* (New York: McGraw Hill Book Company, Inc., 1938), p. 31; see also pp. 239 and 244 for related discussions.
[42] Joseph G. Rayback, *A History of American Labor* (New York: Free Press, 1966), p. 278.
[43] Millis and Montgomery, op. cit., p. 211.
[44] Lebergott, op. cit., p. 164.
[45] National Research Council, *The New Americans: Economic, Demographic and Fiscal Effects of Immigration*, Edited by James P. Smith and Barry Edmonton (Washington: National Academy Press, 1997).
[46] Statement of Professor Barbara Jordan, Chair U.S. Commission on Immigration Reform (News Release by the U.S. Commission on Immigration Reform, Washington, June 7, 1995).
[47] Council of Economic Advisers, *Economic Report of the President, 1994* (Washington: U.S. Government Printing Office, 1994), p. 120.
[48] E.g. see: Richard Mines and Jeffrey Avina, "Immigration and Labor Standards: the Case of California Janitors," in *U.S.-Mexico Relations: Labor Market Interdependence*, edited by Jorge Bustamante, et. al. (Stanford, Calif.: Stanford University Press, 1992), pp. 429-448; Louise Lamphere, Alex Stepick, and Guillermo Grenier, (eds.), *Newcomers in the Workplace: Immigrants and the Restructuring of the U.S. Economy* (Philadelphia: Temple University Press, 1994); Mark Grey, "Pork, Poultry, and Newcomers in Storm Lake, Iowa," in *Any Way You Cut It: Meat Processing and Small Town America*, edited by Donald Stull, David Griffith, and Michael Broadway (Manhattan, Kan.: University of Kansas Press, 1995), pp. 109-127; Catherine L. Fisk, Daniel J.B. Mitchell, and Christopher L. Erickson, "Union Representation of Immigrant Janitors in Southern California: Economic and Legal Challenges," in *Organizing Immigrants: The Challenge for Unions in Contemporary California*, edited by Ruth Milkman (Ithaca, N.Y.: ILR-Cornell University Press, 2000), pp. 169-198; Philip L. Martin, *Promises to Keep: Collective Bargaining in California Agriculture* (Ames, Iowa: Iowa State University Press, 1996,) pp. 100 and 205-302; Peter Kwong, *Forbidden Workers: Illegal Chinese Immigrants and American Labor* (New York: The New Press, 1997), pp. 161-183 and 207-233; Charles Craypo, "Meatpacking: Industry Restructuring and Union Decline," in *Contemporary Collective Bargaining*, edited by Paula Voos (Madison, Wisc.: Industrial Relations Research Association, 1994), pp. 63-96.
[49] U.S. Department of Justice and U.S. Department of Labor, *The Triennial Comprehensive Report on Immigration* (Washington: U.S. Department of Justice 1999), p. 113; for a more complete review see Briggs, *Immigration and American Unionism;* op. cit., Chapter 7.
[50] For elaboration, see Briggs, I*mmigration and American Unionism*, op. cit., Chapter 4
[51] Council of Economic Advisors, *Economic Report of the President, 1995* (Washington: U.S. Government Printing Office, 1995), p. 182; and Council of Economic Advisors, *Economic Report…1994*, op.cit., p. 120. See also Daniel H. Weinberg, "A Brief Look at Postwar U.S. Income Inequality," *Current Population Report*, pp. 60-191 (Washington: U.S. Bureau of the Census, 1996), p. 1.
[52] For elaboration, see Briggs, *Immigration and American Unionism*, op. cit., Chapter 6.
[53] Melvin W. Reder, "The Economic Consequences of Increased Immigration," *The Review of Economics and Statistics* (August, 1963), p. 31.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NON-PROFIT
U.S. POSTAGE
PAID
PERMIT #6117
WASHINGTON, DC

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Center for Immigration Studies
1522 K Street NW, Suite 820
Washington, DC 20005-1202
(202) 466-8185
center@cis.org
www.cis.org

Backgrounder

American Unionism and U.S. Immigration Policy

By Vernon M. Briggs, Jr.

Throughout its lengthy history, few issues have caused the American labor movement more agony than immigration. It is ironic this should be the case as most adult immigrants directly enter the labor force. So eventually do most of their family members. But precisely because immigration affects the scale, geographical distribution, and skill composition of the labor force, it affects national, regional, and local labor market conditions. Hence, organized labor can never ignore immigration trends. Immigration has in the past and continues to affect the developmental course of American trade unionism. Labor's responses, in turn, have significantly influenced the actual public policies that have shaped the size and character of immigrant entries.

10-01